



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 07-067, FD1

RESOLUTION

AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF INFORMATION TECHNOLOGY OF THE CITY AND COUNTY OF HONOLULU, OR HIS DULY AUTHORIZED REPRESENTATIVE, TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES COAST GUARD REPRESENTED BY THE COMMANDER, COAST GUARD FOURTEENTH DISTRICT, FOR SHARING OF TOWER AND COMMUNICATION SHELTER SPACE AT WAIMANALO RIDGE AND KAWELA ON THE ISLAND OF OAHU.

WHEREAS, Chapter 1, Article 8, Revised Ordinances of Honolulu 1990, as amended, requires prior city council approval for any intergovernmental agreement which places an obligation upon the City and County of Honolulu ("City") or any department or agency thereof; and

WHEREAS, the U.S. Coast Guard is responsible for monitoring VHF-FM marine channels around the waters of the Island of Oahu for public safety, homeland security, and first response to disasters and emergencies in accordance with Coast Guard policies; and

WHEREAS, the Coast Guard desires to improve radio communication coverage around the waters of the Island of Oahu for public safety, homeland security, and first response to disasters and emergencies. The Coast Guard has identified the Waimanalo Ridge and Kawela sites as critical locations necessary to improve the coverage of the marine channels the Coast Guard is responsible to monitor; and

WHEREAS, the department of information technology ("DIT") is the organization within the City and County of Honolulu that carries out telecommunication responsibilities for the City; and

WHEREAS, the City operates existing communications facilities at Waimanalo Ridge and Kawela which include communication shelters and towers; and

WHEREAS, the City facilities support the City microwave system, the City 800 MHz radio system, the Local Government VHF radio system, and other governmental and governmental-related communications systems; and

WHEREAS, the City will permit the Coast Guard to utilize existing equipment rack space in the City's communication shelters and towers; and



RESOLUTION

WHEREAS, it is in the best interests of the City and the Coast Guard to allow the Coast Guard access to the City's communications facilities at Waimanalo Ridge and Kawela; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the director of the DIT, or his duly authorized representative, is hereby authorized to enter into an intergovernmental agreement with the United States Coast Guard, in substantially the form attached hereto as Exhibit "A", and any incidental or related agreements or documents that may be required, to allow use of tower and communication site space at Waimanalo Ridge and Kawela on the island of Oahu; provided that the final form of the agreement shall include: (1) a provision for the Coast Guard to maintain its VHF-FM antennas and related equipment at Waimanalo Ridge and Kawela; and (2) a provision whereby the Coast Guard will hold harmless and indemnify the City for any damages caused by the negligence of the Coast Guard in the design, installation and maintenance of its VHF-FM antennas at Waimanalo Ridge and Kawela; and



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Resolution No.

RESOLUTION

BE IT FINALLY RESOLVED that the Clerk is hereby directed to transmit copies of this Resolution to DIT and to the Office of the Managing Director of the City and County of Honolulu, and to the Commander (dt), Coast Guard Fourteenth District, PJKK Federal Bldg, 300 Ala Moana Blvd., Rm. 9-236, Honolulu, HI 96850-5000

INTRODUCED BY:

Barbara Marshall (BR)

DATE OF INTRODUCTION:

February 20, 2007
Honolulu, Hawaii

Councilmembers

**MEMORANDUM OF AGREEMENT
BETWEEN
THE CITY AND COUNTY OF HONOLULU
AND
THE UNITED STATES COAST GUARD**

This Memorandum of Agreement (the "MOA") is entered into this _____ day of _____, 2007, by and between the United States Coast Guard (the "Coast Guard") and the City and County of Honolulu (the "City") to specify the terms and conditions for communication shelter and tower space for the United States Coast Guard Marine VHF System at Waimanalo Ridge and Kawela.

The Coast Guard shall be represented by Commander (dt), Coast Guard Fourteenth District, PJKK Federal Bldg, 300 Ala Moana Blvd, Rm: 9-236, Honolulu, HI 96850-5000. The City shall be represented by the Department of Information Technology (the "DIT"), with offices at the Honolulu Municipal Building, 5th floor, 650 South King Street, Honolulu, Hawaii 96813.

WHEREAS, the Coast Guard is responsible for monitoring VHF-FM marine channels around the waters of the Island of Oahu for homeland security, public safety and first response to disasters and emergencies in accordance with Coast Guard policies; and

WHEREAS, the Coast Guard desires to improve radio communication coverage around the waters around the Island of Oahu for homeland security, public safety, and first response to disasters and emergencies. The Coast Guard has identified the Waimanalo Ridge and Kawela sites as a critical locations necessary to improve the coverage of the Marine channels the Coast Guard is responsible to monitor; and

WHEREAS, the DIT is the organization within the City and County of Honolulu that carries out telecommunication responsibilities for the City; and

WHEREAS, the CITY operates an existing communications facility at Waimanalo Ridge and Kawela which includes communication shelters and towers; and

WHEREAS, the City Facilities support the City microwave system, the City 800 MHz radio system, Local Government VHF radio system, and other governmental and governmental-related communications systems; and

WHEREAS, the City will permit the Coast Guard to utilize existing equipment rack space in the City's communication shelters and towers, and;

WHEREAS, it is in the best interests of the City and the Coast Guard to allow the Coast Guard access to the City's communications facilities at Waimanalo Ridge and Kawela;

Now therefore, this MOA is entered into by the City and the Coast Guard to agree that:

City

1. The City shall permit the Coast Guard to occupy approximately five (5) rack units (RU) of space of City real property and tower space for one (1) VHF-FM antenna; and
2. The City will provide and maintain the communication link between the Waimanalo Ridge and Kawela sites and the Fasi Municipal Building, 650 South King Street; and
3. The City grants the Coast Guard the use of the City real property at no charge; and

Coast Guard

1. The Coast Guard shall plan, operate, and maintain the installed VHF transceiver equipment; and
2. The Coast Guard shall be responsible for the communication link from the Fasi Municipal Building to the Coast Guard monitoring point, Coast Guard Sector, Sand Island, HI; and
3. The Coast Guard shall be responsible to maintain its own equipment, antennas, and installed cables; and

Jointly

1. Both parties shall work cooperatively to design and manage placement of antennas at the communication site(s); and
2. The use of the communication equipment shall be used for government purposes, that are not-for-profit in nature and/or have a defined role in assisting the government in times of disaster or emergency. No commercial business will be transacted and no commercial for-profit, or fee-for-service communications traffic shall be supported using the installed communication equipment in any capacity; and
3. Each party agrees to accept full responsibility for the operation of its communications systems, especially with respect to radiation safety and the licensing requirements of the Federal Communications Commission (the "FCC") and the reporting requirements of the Federal Aviation Administration (the "FAA"). The Coast Guard shall assist the City, as necessary, to complete and update forms and reports by required the FAA. Both parties shall work cooperatively to conduct electromagnetic energy audits that include on-site survey and management, the production of required written reports, and the development of a site safety plan as required by the FCC; and

Modifications to this agreement shall be made by mutual agreement of both parties in writing. The term of this agreement shall be four (4) years, with automatic extension in four (4) year increments. Termination of this agreement by any party shall be made with a minimum 120 day notice. Upon termination of this agreement, the site(s) shall be restored to original configuration/condition; and

Nothing within this MOA is intended to, nor shall operate to, preempt federal law; and

Nothing within this MOA shall supplant duly established Coast Guard policy; and

Nothing in this MOA is intended to create any right or benefit, substantive or procedural, enforceable at law against the United States, its agencies, its officers, or any person; and

All notices regarding this MOA shall be sent in writing to:

If to the Coast Guard:

Commander (dt)
Coast Guard Fourteenth District
PJKK Federal Bldg
300 Ala Moana Blvd, Rm: 9-236,
Honolulu, HI 96850-5000

(808) 541-2021(phone) / (808) 541-2046(fax)
Attention: Chief, Telecommunications Division (dt)

If to the City:

Department of Information Technology
City and County of Honolulu
Honolulu Municipal Building, 5th Floor
650 South King Street
Honolulu, Hawaii 96813

(808) 768-7630(phone) / (808) 550-6102(fax)
Attention: Director

IN WITNESS WHEREOF, the City & County of Honolulu and the Coast Guard have agreed to and have executed this MOA by their signatures on the date of the last signatory:

City

By: _____

Printed Name: _____

Title: _____

Date: _____

Coast Guard

By: _____

Printed Name: _____

Title: _____

Date: _____

Memorandum of Agreement by and between the City and County of Honolulu and the Coast Guard to specify the terms and conditions for the development and operation of a shared radio communications facility at Waimanalo Ridge and Kawela, Oahu, Hawaii, dated _____, 2006

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 07-067, FD1

Introduced: 02/20/07 By: BARBARA MARSHALL (BY REQUEST)

Committee: INTERGOVERNMENTAL
AFFAIRS

Title: RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF INFORMATION TECHNOLOGY OF THE CITY AND COUNTY OF HONOLULU, OR HIS DULY AUTHORIZED REPRESENTATIVE, TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES COAST GUARD REPRESENTED BY THE COMMANDER, COAST GUARD FOURTEENTH DISTRICT, FOR SHARING OF TOWER AND COMMUNICATION SHELTER SPACE AT WAIMANALO RIDGE AND KAWELA ON THE ISLAND OF OAHU.

Links: RES07-067

INTERGOVERNMENTAL AFFAIRS	2/28/07	CR-81 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. (COUNCILMEMBER CACHOLA REQUESTED A LIABILITY CLAUSE BE PUT INTO AGREEMENT; DEPT. OF INFORMATION TECHNOLOGY TO SUBMIT NEW AGREEMENT TO ATTACH TO RESOLUTION FOR 3/14/07 COUNCIL MEETING AGENDA POSTING (RES. 07-67, PROPOSED FD1).				
COUNCIL	3/14/07	CR-81 ADOPTED. RESOLUTION AMENDED TO FD1 ON THE COUNCIL FLOOR AND SUBSEQUENTLY ADOPTED (RESOLUTION 07-067, FD1).				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


DENISE C. DE COSTA, CITY CLERK


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER